

UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

KEVIN DAVID MITNICK)
)
LICENSEE OF STATION N6NHG)
IN THE AMATEUR RADIO SERVICE)
FOR RENEWAL OF STATION LICENSE)
KEVIN DAVID MITNICK)
)
FOR RENEWAL OF AMATEUR RADIO)
GENERAL CLASS OPERATOR LICENSE)

WT Docket No. 01-344
File No. 00000-58498

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Room TW-A363
 445 12th Street, S.W.
 Washington, DC 20554

Wednesday,
 January 30, 2002

The parties met, pursuant to the notice, at
 2:02 p.m.

BEFORE: HONORABLE RICHARD L. SIPPEL
 Administrative Law Judge

APPEARANCES:

For the Licensee:

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 (301) 663-1086

For Chief, Enforcement Bureau:

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P R O C E E D I N G S

(2:02 p.m.)

KEVIN DAVID MITNICK: This is our first pre-hearing conference in the matter of the renewal application of Kevin David Mitnick.

MR. COLBY: Kevin David Mitnick.

JUDGE SIPPEL: Okay. May I have appearances please on behalf of Mr. Mitnick?

MR. COLBY: Lauren A. Colby on behalf of Kevin David Mitnick.

JUDGE SIPPEL: Mr. Colby.

And on behalf of the bureau?

MR. SHOOK: James Shook.

MR. LEAVITT: Dana Leavitt, Your Honor.

JUDGE SIPPEL: Well, I did issue an order of some -- basically, it is an agenda of what I want to cover today. Is there anything of a preliminary nature or anything you think that I should know about before we start into this, Mr. Colby?

MR. COLBY: Well, I would have a question. As I read the hearing designation order, we're going to be proceeding in accordance with the policy statement on character qualifications that's used in broadcasting.

The policy statement -- a major element of the policy statement is evidence of rehabilitation. My case is

1 going to be entirely based on rehabilitation. What I
2 propose to prove is that the man has spent nearly five years
3 in prison, most of it in solitary confinement. And then,
4 while some people may become hardened criminals in prison,
5 there are other people who reflect upon the desirability of
6 not going back to prison and become rehabilitated.

7 Mr. Mitnick will willingly concede that he
8 committed the crimes which he is charged with and for which
9 he was convicted. He won't deny that in any way, shape, or
10 manner. But we will show, or try to show that, since being
11 released for this last past year, he has done many good
12 things, lectured on computer security, briefed government
13 officials on computer security, is now writing a book on
14 computer security, and that his probation officer thinks
15 he's doing well. This is the type of evidence we will be
16 offering.

17 Now if the administrative law judge feels that the
18 issues are not sufficiently brought to allow the
19 introduction of that type of evidence, I would then propose
20 to file a motion to enlarge the issues. But, in my view,
21 they're sufficiently brought.

22 JUDGE SIPPEL: All right. Let me hear from the
23 bureau counsel. Who will it be --

24 MR. SHOOK: We have not spoken with Mr. Colby
25 about this beforehand, but, from our reading of the HTO, we

1 had a similar understanding that, in all likelihood, this
2 case would boil down to what kind of rehabilitation evidence
3 Mr. Mitnick could submit to support, I imagine, his
4 contention that he is qualified to have his license renewed.

5 So our thoughts were pretty much the same as Mr.
6 Colby's, and, to that end, we anticipated that whatever
7 discovery that we did would focus on the rehabilitation
8 aspect.

9 JUDGE SIPPEL: Okay. Well, you know, that doesn't
10 -- I -- I have nothing more to add to that. I think that
11 you -- you know, both sides have stated it very
12 articulately. And I did flag the character qualifications
13 policy statement in that order, but, in any event, I don't
14 think we have to spend any more time on that.

15 Then I'm going to go down my checklist of things
16 that I have that I want to cover in this my pre-hearing
17 order. But, as a general proposition -- so the burden, of
18 course -- the burden of proof and burden of proceeding has
19 been assigned to Mr. Mitnick.

20 MR. COLBY: Mitnick.

21 JUDGE SIPPEL: So, without pinning anybody down
22 today -- but, generally, what I would expect to see is that
23 you would come forward with -- certainly -- well, there
24 would be some -- assuming there would be stipulated record
25 with respect to the convictions.

1 MR. SHOOK: Either that, or we could cover it by
2 way of admissions. It sounds as if Mr. Colby was amenable
3 to --

4 MR. COLBY: Oh, yes.

5 MR. SHOOK: -- you know, any reasonable admission
6 relative to Mr. Mitnick's past record.

7 MR. COLBY: The record does not -- the only -- the
8 only issue where Mitnick might take some exception is that
9 he does want to make it clear he was not one of these people
10 that wrote viruses or crashed hard drives. That's not what
11 he was doing, and that's not what he was convicted for. He
12 was convicted for trying to break in -- not trying -- he was
13 convicted for successfully breaking into computer systems,
14 reading other people's mail that he was not entitled to
15 read, and gaining access to software that he was not
16 entitled to have access to. That's what he did.

17 But he would say that he never intended the
18 serious property damage that he caused. That wasn't what he
19 was doing it for. It happened, and he caused -- and he will
20 admit that he caused serious damage, monetary damage. But
21 he would say that that was not his intention, that it was a
22 by-product of what he was doing, that what he was doing he
23 was doing essentially because he was a smart aleck and
24 wanted to be clever. And I think he will testify that,
25 after five years in prison, he has learned a lesson of

1 sorts.

2 JUDGE SIPPEL: How old is he?

3 MR. COLBY: He's 38 today.

4 JUDGE SIPPEL: All right. Well, I think -- you
5 know, I am picking up on what Mr. Shook said. What I would
6 anticipate, what I would want to see, would be a stipulated
7 set of documents, which would -- in a tabbed form -- that
8 would give the history of the convictions. And, certainly,
9 if there is any probation reports or anything like that -- I
10 mean, it is going to come in anyway. So the easiest way to
11 do it would be to put it together, you know, as a group
12 submission.

13 MR. COLBY: Okay.

14 JUDGE SIPPEL: And that could come in sort of a
15 week or so before the hearing. And there would be testimony
16 -- I take -- now I do not want to get ahead of you on this.
17 But what I would expect to then see would be Mr. Mitnick
18 would take the stand, and he would explain all these things
19 that you are telling me.

20 MR. COLBY: Oh, yes. Of course.

21 JUDGE SIPPEL: And then, of course, he would be
22 subject to any cross-examination on that.

23 MR. COLBY: Of course. Of course.

24 JUDGE SIPPEL: Now would you anticipate that there
25 would be other witnesses?

1 MR. COLBY: Well, I anticipate quite a few
2 testimonials, letters attesting to his activity since he got
3 out of prison. But I would expect that I would be
4 submitting most of those in the form of declarations under
5 penalty of perjury.

6 JUDGE SIPPEL: All right.

7 MR. COLBY: Or in the form of letters from federal
8 officials that would be tantamount to a submission under
9 penalty of perjury because they are officers of the
10 government, or such as the probation officer.

11 JUDGE SIPPEL: Would there be any objection to
12 that procedure? I mean, you -- you know, the old saw goes:
13 "You can't cross-examine a piece of paper." But does
14 that --

15 MR. SHOOK: Well, our -- our hope at this point
16 and I'll put it in those words -- is that we have the time
17 and the opportunity to do sufficient discovery so that there
18 wouldn't be a need to call in most, if not all of the
19 witnesses that Mr. Colby is thinking of right now.

20 I mean, if we can talk to these people face-to-
21 face beforehand and satisfy ourselves as to who they are and
22 that whatever it is that they have to say with respect to
23 Mr. Mitnick is reliable and that there's no point in
24 dragging them from wherever they are out to here, that
25 should suffice. But we won't know that for sure until we

1 have, you know, gone through that process.

2 JUDGE SIPPEL: Sure.

3 MR. COLBY: One of the documents that I almost
4 certainly will be offering would be a statement from the
5 manager of the Clear Channel station in San Francisco where
6 Mr. Mitnick had a radio show since being out of prison. And
7 I think that statement can be the manager's observations of
8 Mr. Mitnick's conduct on the air and off the air. And there
9 would be an opportunity, I suppose, for the Bureau to cross-
10 examine that witness if the Bureau was not satisfied,
11 perhaps even by telephone.

12 But, hopefully, the statement would be clear
13 enough and would come from a sufficiently disinterested
14 witness that the Bureau might not wish to cross-examine.

15 JUDGE SIPPEL: All right. Well -- well, I just
16 want to get clear from my -- where I am coming from up front
17 is that I want to avoid being in a situation where, on the
18 day of the hearing, there is this hearsay-type evidence that
19 is sought to be introduced, and the Bureau has some kind of
20 a problem with it that they have not resolved here.

21 MR. COLBY: Oh. I would expect to --

22 JUDGE SIPPEL: That is --

23 MR. COLBY: -- submit the evidence well in advance
24 of the hearing so that we could get hearsay objections and
25 overcome them, if necessary.

1 JUDGE SIPPEL: Yes. All right. Well, that is
2 fine. That is -- that comes at it a different way, but it -
3 - we come out the same way.

4 MR. SHOOK: Right. Along those lines, I would
5 like to think that, if we got what would otherwise be a
6 hearsay testimonial in support of Mr. Mitnick, and then we
7 had a problem with that, that we would alert Mr. Colby well
8 in advance of the hearing and, to that end, probably Your
9 Honor as well by a conference call if nothing else.

10 JUDGE SIPPEL: All right. Then we are -- you
11 know, we are all on the -- we are all thinking the same
12 thoughts at the same time. That is pretty good.

13 Okay. Cooperative discovery. We have covered
14 that. Again, if you want to use interrogatories or requests
15 to admit -- but I -- maybe, you know, since you are going to
16 stipulate to so much, maybe this is premature also.

17 MR. SHOOK: Well, to that end, Your Honor, I do
18 have interrogatories that are prepared, and I was going to
19 give Your Honor a copy. And we filed them today. So I was
20 going to give Your Honor a copy and then give Mr. Colby
21 copies and --

22 MR. COLBY: And I'll get Mr. Mitnick working on
23 them.

24 MR. SHOOK: And you can either --

25 MR. LEAVITT: You'll get it to him?

1 MR. SHOOK: -- get it to Mr. Mitnick, or we'll
2 send it to him, one or the other, however you --

3 MR. COLBY: Oh, no. I'll -- I'll get him working
4 on it. As soon as I get back to Frederick, I'll fax it to
5 him.

6 JUDGE SIPPEL: All right. Okay. Thank you.
7 Okay. There are only three interrogatories.

8 MR. SHOOK: Well, we start slowly, Your Honor.

9 JUDGE SIPPEL: Gosh. That gives you 22 in
10 reserve. Okay. Well, that is good work. I mean, that gets
11 it -- that gets the process started.

12 MR. SHOOK: Your Honor, we would like to cover the
13 question of admissions though simply because --

14 JUDGE SIPPEL: Yes.

15 MR. SHOOK: -- the way the rule works and the way
16 dates work, there might be -- we would just -- we would want
17 to clarify an end date by which we could transmit requests
18 for admissions. And the reason that I bring this up is that
19 we became aware that Mr. Mitnick was actually going to
20 prosecute his application when we received notification from
21 Mr. Colby that he was going to represent Mr. Mitnick, and
22 then the notice of appearance was faxed to me last Friday
23 the 25th.

24 Unbeknownst to us until earlier today, there was
25 another submission made on Mr. Mitnick's behalf several

1 weeks ago which never reached us. It just so happened that
2 Ms. Leavitt, you know, found it while searching through
3 commission records. And so, arguably, Mr. Mitnick filed a
4 notice of appearance as early as January 7th.

5 MR. COLBY: That's right. His criminal attorney
6 filed it for him, but his criminal attorney did not feel
7 confident to handle this too.

8 JUDGE SIPPEL: This is the gentleman from Baker
9 and Hostetler?

10 MR. LEAVITT: Mm-hmm.

11 MR. COLBY: I don't know which law firm it was.

12 MR. SHOOK: Yes, sir.

13 MR. LEAVITT: Yes, Your Honor.

14 JUDGE SIPPEL: Oh.

15 MR. SHOOK: But, as a consequence of that, had we
16 known that that document had been filed, we would have
17 prepared and sent our admissions request within the time
18 allotted by the rule. Because we weren't aware of that
19 earlier filing, we haven't sent any admissions requests yet,
20 and we would ask leave to have a date set, perhaps the end
21 of next week, that would allow us to send out admissions
22 requests.

23 JUDGE SIPPEL: Is there any problem with that?

24 MR. COLBY: No, no.

25 JUDGE SIPPEL: Okay. Today is the 30th, so the

1 end of next week would be the 8th?

2 MR. LEAVITT: Yes. Yes, Your Honor.

3 JUDGE SIPPEL: By February 8th. Okay.

4 Admissions --

5 MR. COLBY: I have a request of the Bureau.

6 JUDGE SIPPEL: Well, let us see if he is finished.

7 Is that -- would that be it then?

8 MR. SHOOK: That's all that we needed, yes, sir.

9 JUDGE SIPPEL: Okay. Yes, sir?

10 MR. COLBY: I do not have a copy, and Mr. Mitnick
11 does not have a copy of his renewal application. Is there a
12 copy anyplace?

13 MR. SHOOK: There is. It's a matter of somebody
14 finding it.

15 MR. LEAVITT: Yeah. I don't have it with me, but
16 there is a copy.

17 MR. COLBY: If you could fax me a copy, I would
18 appreciate it.

19 JUDGE SIPPEL: Okay.

20 MR. LEAVITT: I will.

21 JUDGE SIPPEL: Well, I would like to see that too,
22 I guess. When was the renewal application filed? Does
23 anybody have -- I mean, an approximate date or year?

24 MR. COLBY: It was filed while he was in prison.

25 MR. LEAVITT: December of '99, I believe.

1 JUDGE SIPPEL: December '99?

2 MR. LEAVITT: I'm sorry to interrupt, but yes, I
3 think, Your Honor, that's the date.

4 JUDGE SIPPEL: Okay. Well, it will -- you know,
5 it will come through with a lot more precision later on, but
6 I am just trying to get kind of a mental fix here. Filed
7 while in prison.

8 MR. SHOOK: Well, that's a good rough starting
9 point.

10 JUDGE SIPPEL: Okay. Thank you.

11 I guess I should ask you: Does he anticipate any
12 discovery, the traditional type of discovery?

13 MR. COLBY: Well, just we want a copy of the
14 renewal application --

15 JUDGE SIPPEL: Sure.

16 MR. COLBY: -- to make sure that the answers in
17 the application are correct. But, outside of that, I don't
18 anticipate any discovery.

19 JUDGE SIPPEL: Okay. All right. Then that is, I
20 think -- if I have this right, I think that pretty much
21 covers everything that -- well, let me ask -- again, I --
22 you have explained what you want to do in terms of getting,
23 whether in the form of letters or statements under oath,
24 statements of declarations. Do you anticipate any live
25 testimony in addition to --

1 MR. COLBY: Well, Mitnick -- Mitnick will -- Mr.
2 Mitnick.

3 JUDGE SIPPEL: Yes. But how about in addition to
4 him?

5 MR. COLBY: Well, it depends upon who we find.
6 I've only been working on this for what, one week, not even
7 that.

8 JUDGE SIPPEL: Oh, okay. All right. Okay. I
9 hear you. Okay. So you do not have any past association.
10 You made that very clear. He had his criminal attorney, who
11 had filed the notice of appearance. So this is -- you have
12 just entered the case now.

13 MR. COLBY: That's right.

14 JUDGE SIPPEL: Okay. All right.

15 MR. COLBY: I was engaged the day when I sent the
16 notice of appearance.

17 JUDGE SIPPEL: Okay. All right. Well, let us
18 start with a -- see if we can start on a hearing date then.
19 Or is it too early to set a hearing date?

20 MR. COLBY: Well, I need a substantial amount of
21 time to get acquainted with Mr. Mitnick and to get
22 acquainted with those who can testify on his behalf, either
23 orally or in written form. I need -- I need some time to
24 prepare the case. I'm not prepared to go to hearing
25 tomorrow nor next week.

1 JUDGE SIPPEL: No, no, no. We are not going to do
2 that to you. But I was thinking of something -- maybe
3 something in April. Would that be too --

4 MR. COLBY: No. I think April is cutting it
5 pretty short. I'd rather have the hearing some time in June
6 to make sure I have time because, to be quite frank with
7 you, Mr. Mitnick's resources are very limited financially,
8 and I will have to work within a limited budget, which makes
9 it more difficult.

10 I don't have the capacity I have in some other
11 cases where I can spend all the money in the world to go out
12 and interview witnesses and round up documents and so forth.
13 They don't have that here. I have less to work with. I --

14 JUDGE SIPPEL: Well, let me see what Mr. Shook has
15 to say about that?

16 MR. SHOOK: Well, we can appreciate that.

17 JUDGE SIPPEL: Can you accommodate a June date?

18 MR. SHOOK: I believe so.

19 JUDGE SIPPEL: All right.

20 MR. SHOOK: Our only thought right now relative to
21 our own discovery needs is having sufficient time to arrange
22 travel in the event that we can do so to, you know, go out
23 west and eyeball witnesses.

24 MR. COLBY: Go out to Las Vegas and come back
25 rich.

1 MR. SHOOK: Well, that would be Ms. Leavitt. I
2 have no intention of doing any such thing.

3 JUDGE SIPPEL: That is okay. That game is okay.
4 Just stay away from the stock market.

5 Okay. Let us -- well, I am going to set it for
6 Tuesday, June the 18th. And the week before, June 11th, I
7 want to set that as an admissions session. I know that
8 this is not going to be a tedious record, I am sure, but I
9 would like that much time. At least if I have any questions
10 about how these documents are being -- expected to be
11 handled, I would like to be right here and do it in person.
12 Well, that should not take long.

13 So we can set -- let me set the 31st of May as end
14 of discovery and exchange cases on the -- by the 6th. And I
15 -- that would be the -- I have got that a little bit out of
16 order in terms of what I am telling you all. But I would
17 anticipate the 6th of June would be the -- would be the
18 definitive date on when the witnesses would be -- you know,
19 it would be an absolute designation of who these witnesses
20 are going to be, whether by way of statements, or by way of
21 identifying who they are for oral testimony, whatever that
22 might be. All of whom, I am sure, by the 6th of June, that
23 both sides should know who these people are pretty well, I
24 would think.

25 MR. SHOOK: I would hope so.

1 JUDGE SIPPEL: Well, yes. We have got a problem
2 if you don't.

3 But -- and I do not think that I have to cover too
4 many -- any other dates. So that would be the -- the
5 earliest date would be the 6th of June for the exchange of
6 cases. And I do not mean that necessarily in the
7 traditional way. I mean exchange of cases in terms of,
8 really, identification of witnesses because I --

9 MR. COLBY: We will -- we will present a written
10 case, I'm sure.

11 JUDGE SIPPEL: You are going to present a written
12 case?

13 MR. COLBY: Oh, I'm sure I'll present a written
14 case.

15 JUDGE SIPPEL: For Mr. Mitnick or -- you know, for
16 Mr. Mitnick?

17 MR. COLBY: Yes. I'll present a written statement
18 by that time --

19 JUDGE SIPPEL: Oh, okay. Well, then all right.
20 Then we will have it, and then he will be cross-examined on
21 it.

22 MR. COLBY: And he'll be cross-examined on the
23 statement, yes.

24 JUDGE SIPPEL: All right. Okay. Well, that is
25 good. Okay. So the 6th of June for that. The 11th of June

1 would be the admissions session.

2 MR. SHOOK: I would --

3 JUDGE SIPPEL: And the 18th of June would be the
4 hearing, and the 31st of May is the end of discovery.

5 MR. SHOOK: Your Honor, the only date that
6 ordinarily, I believe, is considered -- that has not been
7 mentioned yet is the date by which we would have to notify
8 Mr. Colby that we wish to cross-examine the witnesses.

9 MR. COLBY: Yes. I thought about that too. I
10 thought about that also.

11 JUDGE SIPPEL: Cross-examine dates. Okay. Well,
12 if you are going to get the case on the -- on the 6th --

13 MR. COLBY: Why don't we move back the -- well, I
14 thought the exchange of cases was May 6th.

15 JUDGE SIPPEL: No, no, no. I had that down for
16 June 6th.

17 MR. COLBY: Well, let's move the --

18 JUDGE SIPPEL: Let us go back and do this again.

19 MR. COLBY: Let's move the exchange of cases back
20 into May, then have the witness notification shortly after
21 that, and then the cross-examination notification after
22 that.

23 JUDGE SIPPEL: Sure. Let us see if we can -- let
24 me start this process over again and try to give you as much
25 time as I can. Why don't we say -- let us say May 14th

1 could be the exchange of cases, and then -- plus identify
2 the witnesses. And that is included in the same concept,
3 actually, identify witnesses. So that would set the --
4 15th, 16th -- that is two days later.

5 MR. COLBY: We could have it --

6 JUDGE SIPPEL: The 17th. May 17th would be
7 notification of witnesses for cross.

8 MR. COLBY: Well, actually, the purpose I
9 suggested to move it back into May was to give the Bureau a
10 little more time. You could -- you could have a week after
11 May 14th.

12 JUDGE SIPPEL: All right. Okay. I am just -- it
13 does not take that long to figure out who you want to cross,
14 but I am -- that is easy for me to say. All right. Let us
15 make it May the 21st. How will that be?

16 MR. SHOOK: That's fine.

17 MR. COLBY: That's fine.

18 JUDGE SIPPEL: Stop me if I am getting too -- so
19 the discovery would end the week before the 14th, which
20 would be May 7th.

21 MR. SHOOK: That should be enough time.

22 JUDGE SIPPEL: End of discovery. Okay. 7/14 is
23 the notification. Now we can still stay with those other
24 dates, June 11th for an admission session. And that
25 -- I mean, I am using that in a very broad sense, I mean, to

1 clean up anything that we have to clean up. But I want to
2 get firsthand familiarity with the documents that I am going
3 to be using at the hearing. And then -- okay. Then June
4 18th would be the hearing date. Okay.

5 MR. COLBY: If we don't have a lot of issues over
6 the documents, do you think it would be possible to hold the
7 admissions session by speakerphone?

8 JUDGE SIPPEL: I do not want to promise that.

9 MR. COLBY: No. I wasn't asking you to promise
10 it.

11 JUDGE SIPPEL: The reason that -- pardon me?

12 MR. COLBY: I wasn't asking you to promise it. I
13 was merely asking whether it would be possible if we didn't
14 have a lot of issues.

15 JUDGE SIPPEL: I will give you a chance to try and
16 convince me. The reason is that I want to have a chance to
17 go through the documents, look at them, have them marked,
18 you know, go through that whole process. And, as I am
19 looking at them in that process, if I have any questions in
20 my own mind, it is a good opportunity to get it cleared up.

21 What you are saying may make absolute sense. When
22 it all comes put together, it might be, you know, self-
23 evident things that, if I do have a question, can wait for
24 the hearing. So let us leave that open. But I am going to
25 set the hearing -- I am going to set that date down.

1 MR. COLBY: That's fine.

2 JUDGE SIPPEL: So that -- no, I do not want to
3 bring you in here unnecessarily.

4 Okay. Is there -- oh, I wanted to ask this. How
5 many -- how long does -- again, ballpark figure we are
6 talking about. What are we talking about here in terms of
7 how many days is this going to take to put on?

8 MR. COLBY: I'll probably put in a written case,
9 put the defendant -- put the renewal applicant on the
10 witness stand -- reminds me of when I tried criminal cases
11 40 years ago -- put the witness on the witness stand, swear
12 him in and ask him whether or not the written case is true
13 and correct, and have him swear that it is. I will then
14 say: "Your witness."

15 JUDGE SIPPEL: Okay. All right. So we might --
16 conceivably could have this done in a day, but --

17 MR. SHOOK: Right. Depending on what we came up
18 with during discovery, we may not have much to ask of Mr.
19 Mitnick.

20 JUDGE SIPPEL: Yes. Yes.

21 MR. COLBY: Also, how early we start -- we should
22 probably start fairly early, I think.

23 JUDGE SIPPEL: You mean early in the morning?

24 MR. COLBY: Well, like 9:00 maybe.

25 JUDGE SIPPEL: Well, I do not have any problem

1 with a 9:00 starting time.

2 MR. COLBY: Because if we start fairly early, then
3 it might finish in one day.

4 JUDGE SIPPEL: I mean, I do not mind staying --

5 MR. SHOOK: At this point in time, I have no
6 problem with that.

7 JUDGE SIPPEL: No?

8 MR. LEAVITT: We're here.

9 JUDGE SIPPEL: All right. We will do it at 9:00.
10 And if we have to go a little bit beyond what is the normal
11 closing time, we can do that too as long as people are not
12 exhausted and they are still talking to each other. But,
13 again, I do not want to make this a marathon kind of a
14 thing. Anyway, I -- you have answered my question. This is
15 not going to be a lengthy hearing.

16 Okay. That's all I have. Does anybody else have
17 anything more?

18 MR. LEAVITT: (Shaking head).

19 MR. COLBY: (Shaking head).

20 JUDGE SIPPEL: No?

21 MR. COLBY: (Shaking head).

22 JUDGE SIPPEL: Then, according to this schedule,
23 we are in recess until the 11th of June unless we hear
24 otherwise. I will get an order out setting all these dates
25 out so that we all have our checklist. And thank you very

1 much.

2 ALL: Thank you, Your Honor.

3 (Whereupon, at 2:28 p.m., the hearing in the
4 above-entitled matter was adjourned until June 11, 2002.)

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REPORTER'S CERTIFICATE

DOCKET NO.: WT Docket No. 01-344
File No. 00000-58498
CASE TITLE: Kevin David Mitnick For Renewal of Amateur
Radio
HEARING DATE: January 30, 2002
LOCATION: Washington, D.C.

I hereby certify that the proceedings and evidence are
contained fully and accurately on the tapes and notes
reported by me at the hearing in the above case before the
Federal Communications Commission.

Date: January 30, 2002



Beth Roots

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